

164183

**TERRENCE M. QUIRIN**  
ATTORNEY AT LAW

August 28, 1995

Mr. Kim Roy Young (3HW33)  
U.S. Environmental Protection Agency  
Removal Enforcement Section  
841 Chestnut Building  
Philadelphia, PA 19107

RE: Pathan Chemical Company Site  
427 E. Moyer Street  
Philadelphia, Pennsylvania 19125

Dear Mr. Young:

I have been retained by Pathan Chemical Company and Mr. Nasseruddin Khan in connection with the cleanup activities at the above referenced site. This letter is in response to the letter of Mr. Abraham Ferdas dated August 17, 1995 relating to Notice of Potential Liability and EPA Conduct of Removal Action.

I have been authorized to notify you of my client's full intention to comply with all of the requirements of CERCLA and RCRA and to advise you of actions already undertaken which evidence my client's ability to comply. Specifically, with reference to those response actions which are identified in your letter, Pathan Chemical believes that it is fully capable of performing the necessary cleanup under the oversight of the EPA:

**1. Prevention of unauthorized access;**

At no time has there been unauthorized access to the building or to any areas of the Site where the items enumerated in your letter are contained. In addition, Mr. Pathan has retained the services of G. Rost Company, Inc. ("ROST") a project management firm with experience in construction and cleanup matters, to manage the clean-up project, including taking steps to assure that access remains restricted. Rost in turn has retained the services of Michael H. Levin, Ph.D. of Environmental Research Associates, Inc., ("ERA") which has extensive expertise in environmental matters, to assist him. ERA is currently developing a detailed Work Plan which will cover all phases of the clean-up.

Generally, there is no access by anyone to those areas of the building where the hazardous materials are contained. All manufacturing and shipping activities are located in other areas of the building. Moreover, no business visitors to the building ever have access to any part of the building other than the front office or the loading dock which are not involved in the clean-up.

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**2. Evaluation of structural integrity of the building and implementation of measures to ensure worker safety;**

As of the date of this letter, Rost has prepared detailed scale drawings of the entire structure. The scale drawings identify those parts of the structure where compliance actions must be undertaken. These drawings were supplied to ERA to determine the exact location of hazardous materials, both identified and not identified.

Insofar as you require that actions be taken to protect employees, Pathan Chemical has only one employee. This employee is involved in manufacture and shipping of products for the company. However, the employee does not work in areas of the building where the hazardous or potentially hazardous materials are located. In that sense the hazardous materials are or will be isolated from the manufacturing and shipping areas.

**3. Segregating, staging and overpacking of drums or containers as necessary;**

ERA has already conducted a review of the entire building to assess the extent of possible contamination and to develop the Work Plan. The Work Plan will provide for final identification of all substances and provide for a method for their disposal. The Work Plan will be reviewed with you as soon as it is completed. Phase I of the project which involves the preparation of the drawings of the building and development of the Work Plan will be completed by mid-September. Phases III, and IV will cover items 3, 4 and 5 of your letter.

**4. Sampling of drums/containerized material for disposal characterization;**

The Work Plan will provide a plan of implementation which will involve identification and sampling, where necessary to properly identify all hazardous materials.

**5. Proper disposal of hazardous substances.**

The Work Plan will provide for proper disposal. All of these steps will be accomplished only after review with you and with your approval.

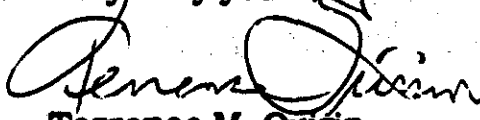
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I believe that my client has acted promptly and properly in response to the oral notification on August 10. I am enclosing with this letter a set of the drawings prepared by Rost and used by ERA as well as an outline of the proposed Work Plan. When the Work Plan is completed we would appreciate the opportunity to meet with you to review it. In the meantime we will keep you fully apprised of the status of these efforts.

Very truly yours,

  
Terrence M. Quirin

c: Mr. Nasseruddin Khan  
Mr. George Rost  
Michael Levin, Ph.D.

ENCLOSURES

AR000021

# **G. Rost Company, Inc.**

100 WISSAHICKON AVENUE P.O. BOX 387 AMBLER, PA 19003  
August 22, 1995

(215) 283-0994 FAX (215) 283-0723

Mr. Khan  
Pathan Chemical Company  
427 Moyer Street  
Philadelphia, PA 19125

JOB NUMBER 3250

Dear Mr. Khan:

The following is our recommendations on the procedures necessary for the environmental clean-up of your facility

## **PHASE I**

1. Produce floor plans for the entire facility
  - A. Basement, 4 floors and roof
  - B. Identify all building numbers on plans
  - C. Identify all floor and roof drains
  - D. Identify all water sources in the facility
  - E. Identify roof and wall leaks if any
2. Secure governmental documentation
  - A. Research City records
  - B. Research what permits the E.P.A., Fire Dept., State and L & I require for business operations
3. Define building segments of concern
  - A. Investigate E.P.A., State & L & I for work in the area that could have impact on the clean-up

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4. Review all violations from the E.P.A., Fire Dept., & L & I and report on the findings
5. Identify locations of Haz-Mat in the facility using the new floor plan
6. Develop work Plan for E.P.A., Fire Dept., & L & I and report on the findings

ESTIMATED COST \$

RETAINAGE: \$

INVOICING WEEKLY

#### PHASE II

1. Submit Work Plan for approval to the E.P.A., Fire Dept., and L & I

#### PHASE III

1. File all the necessary permits
2. Identify Haz-Mat in the facility using the new floor plan
3. Select approved contractor
4. Submit disposal Plan to the E.P.A., Fire Dept., and L & I

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**PHASE IV**

1. Clean-up and removal of Haz-Mat for the facility
2. File final report with the E.P.A., Fire Dept., and L & I
3. Inspection of the facility by the E.P.A., Fire Dept., and L & I

Does not include estimated costs for Phase II through Phase IV

ACCEPTED BY: *[Signature]*

Pathan Chemical Co.

Date: Aug. 25, 1995.

SUBMITTED BY: *[Signature]*

G. Rost Company, Inc.

DATE: 8/22/95

cc: Environmental Research/Dr. Levin

cc: Terrence Quirin, Esq.

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